

Article 10. Enforcement

10.1 Enforcement by Administrator

The Administrator, or his designee, shall have the authority to issue citations for the violation of the provisions of this UDO. In the event that an individual signs a copy of the citation given to him or her, he thereby acknowledges receipt of same and promises to contact the Municipal Court and arrange for the entry of a plea and a hearing where necessary, within ten days of the date of the citation. If the defendant shall not sign a citation, the Administrator shall proceed to prepare and file a formal complaint with the Municipal Court, and shall seek the issuance of a warrant, delivering same to the appropriate law enforcement officer for the resulting arrest of the defendant.

A person who knowingly violates a written promise to appear in court, as provided above, commits a misdemeanor regardless of the disposition of the charge on which the ticket is issued.

10.2 Penalties for Violation

Any person who violates or fails to comply with the requirements of this UDO, or who builds or alters any building or structure in violation of any plan or statement submitted and approved hereunder, shall be guilty of a misdemeanor and be liable to a fine pursuant to the General Penalty set out in Chapter 1, Section 5, of the Code of Ordinances of the City of College Station.

10.3 Penal Provisions

A. Within Corporate Limits

Any person violating any provision of this UDO, within the corporate limits of the City of College Station, shall be guilty of a misdemeanor, and upon conviction, shall be fined pursuant to the General Penalty set out in Chapter 1, Section 5, of the Code of Ordinances. Prosecution or conviction under this provision shall never be a bar to any other relief for violations of this UDO.

B. Outside Corporate Limits

Any person violating any provision of this UDO, outside the corporate limits of the City, but within the City's extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine provided in Section A above be applicable; however, the City shall have the right to institute an action in a court of competent jurisdiction to enjoin the violation of any provision of this UDO.

10.4 Specific Enforcement and Penalties for Flood Hazard Protection

A. Notification of Noncompliance

If at any time development takes place for which an approved Development Permit has not been issued, or development occurs which does not conform to the plans and specifications upon which the issued Development Permit was based, the Administrator or his designee shall issue a written Notice of Noncompliance to the owner. The Notice shall give a specific time allowance to the owner during which he must take one of the following steps to bring the development into compliance with this UDO:

1. An acceptable application for a Development Permit must be filed with the office of the Development Engineer for the entire scope of development taking place or proposed for the site;
2. The item or items which are not in compliance with the terms, conditions, and provisions of this UDO shall be corrected, added, or improved until they are in compliance with this chapter, at which time the owner shall request, in writing, a re-inspection by the Development Engineer;

3. Modified construction plans shall be submitted to the Development Engineer which detail, in an acceptable manner, the remedial, additional, or corrective measures which must be taken to bring the development within the provisions and requirements of this UDO; or
4. An acceptable variance request, subject to the provisions of this UDO, shall be submitted to the Administrator which shall have the effect, if granted, of removing the requirements for which the development was determined to be in noncompliance.

The time allotment for these actions shall be reasonable, and shall be determined according to the number, nature, and severity of the non-complying items. In no case shall that time period exceed 30 calendar days from the date of notification. If, in the opinion of the Development Engineer, a condition exists which is hazardous to the immediate safety of the public, he may seek remedies outside the scope of this Section.

B. Revocation or Suspension of Development Permit

Upon expiration of the time allotment for remedial or corrective measures, the Development Engineer shall take one of the following courses of action:

1. If, in the opinion of the Development Engineer, the owner has made, or is making, a good faith effort to remedy the offending situation, the Development Engineer may extend the time allotment previously granted if such extension is requested by the owner; or
2. Where an approved Development Permit has been issued for the development, the Development Engineer shall suspend the development permit. Written notice of said suspension, along with the terms and requirements for reinstating the Development Permit, shall be delivered to the owner.
3. Upon suspension of a Development Permit, all portions of the work being done on the property that are regulated by this UDO shall cease. These activities include, but are not limited to, grading, excavation, fill, berming, stripping, clearing, paving, placement of any storm sewer, drainage structure, inlet or appurtenance thereto; any work within a defined Area of Special Flood Hazard, or placement of any structure, temporary or permanent, or any obstruction within the Area of Special Flood Hazard.
4. Upon finding that no approved Development Permit exists for the work or property in question or suspending an existing approved development permit, the Development Engineer shall issue a stop work order for all items of work on the subject property covered by this or other ordinances, any work permitted, licensed, or otherwise regulated by the City, or any work subject to inspection or approval by the City. The Development Engineer may enter property to inspect and verify that the requirements of this UDO are being met.
5. All notices required by this Section shall be served upon the parties concerned either personally or by certified mail, addressed to the individual contracting parties or permit holder, at the address given on the permit application.

C. Penalty Imposed

Upon the finding of a violation of this UDO regarding Flood Hazard Protection, the Development Engineer may file a complaint in the Municipal Court of the City of College Station against any person, firm, corporation, or other legal entity. In the event that the judge finds any person, firm, corporation, or other legal entity to be in violation of the terms, conditions, or requirements of this UDO, or provisions or conditions pursuant thereto, he shall find said person firm, corporation, or other legal entity guilty of a misdemeanor; and upon conviction shall impose a fine pursuant to the General Penalty set out in Chapter 1, Section 5, of the Code of Ordinances. Prosecution under this provision shall not be a bar to any other relief for violation of this UDO.

D. Fine Not Exclusive Penalty

In addition to a fine, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this UDO, or to correct violations thereof, and, if applicable, appropriate actions or proceedings at law or equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work.